



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,088	09/23/2003	Udi Manber	121189	1874
26389 7590 05/01/2008 CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347				
EXAMINER				
LE, MIRANDA				
ART UNIT		PAPER NUMBER		
2167				
MAIL DATE		DELIVERY MODE		
05/01/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/669,088

Applicant(s)

MANBER ET AL.

Examiner

MIRANDA LE

Art Unit

2167

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 February 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
 Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☒ The Notice of Appeal was filed on 14 April 2008. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: None.
 Claim(s) objected to: None.
 Claim(s) rejected: 1-13, 15-33 and 35-47.
 Claim(s) withdrawn from consideration: None.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Miranda Le/
Primary Examiner, Art Unit 2167

Continuation of 11, does NOT place the application in condition for allowance because: Applicants' arguments do not overcome the final rejection.

Applicant's arguments have been fully considered but they are not persuasive. The Examiner has thoroughly reviewed Applicant's arguments but firmly believes that the cited reference reasonably and properly meet the claimed limitation. Applicants are reminded that the Examiner is entitled to give the broadest reasonable interpretation to the language of the claimed as explained below. The Examiner is not limited to Applicant's definition which is not specifically set forth in the claims.

I. Claim 1 and its Dependent Claims are Not Patentable Over the Cited Art:

a) In response to Applicant's arguments with respect to "Turner fails to teach wherein prior to providing the images is displayed, the portion of the image whose content is suppressed appears to the user without the content and the portion of the image shows content is not suppressed is viewable", the examiner submits that Turner reads on the claimed limitation as follows: the images equates to "knowledge object" 104 (i.e. a knowledge object 104 containing an image depicting a transducer may be shared between the spare parts list and the technical descriptions for transducers, col. 12, lines 4-34); the portion of the image equates to "other content" contained within the knowledge object of Turner (i.e. can control the presentation or suppression of other content contained within the knowledge object 104, col. 11, lines 6-36); the portion of the image whose content is suppressed appears to the user without the content and the portion of the image shows content is not suppressed is viewable equates to "control the presentation or suppression of other content contained within the knowledge object 104" of Turner. See col. 11, lines 6-36 (i.e. Where a knowledge object 104 includes one or more knowledge elements 128, the identifier tags 128 in conjunction with program code within the knowledge object 104 suppress the irrelevant or inappropriate information from being presented, col. 12, lines 35-48).

It is noted that Turner is directed to a method of facilitating access and presentation of information to a user, presents only relevant information (Summary). This is in the same field of endeavor as the instant application which is directed to an access rights database that includes access rules that act to limit the content in a page image provided to the user (Summary). Since Turner discloses suppressing information outside the scope of subject matter of interest thereby only presenting to the user that information that they need/want to know, the claimed step of displaying the portion of the image whose content is suppressed appears to the user without the content and the portion of the image shows content is not suppressed is viewable, and Turner's teaching of controlling the presentation or suppression of other content contained within the knowledge object are functional equivalent.

b) Applicant concedes that Turner's process excluding redundant information before compilation of the information, however, the examiner notes the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985). As mentioned above, Turner teaches the step of controlling the presentation or suppression of other content contained within the knowledge object, which reads on the claimed limitation; thus, Applicant's argument is not persuasive.

c) In response to Applicant's argument with respect to "in the present invention both portions of the image appear to the user", the examiner notes that this is found to be inconsistent with the recited claim limitation "the portion of the image whose content is suppressed appears to the user without the content and the portion of the image shows content is not suppressed is viewable". Applicant is reminded that it is proper to use the specification to interpret what the Applicant meant by a word or phrase recited in the claim. However, it is not proper to read limitations appearing in the specification into the claim when these limitations are not recited in the claim. Therefore, it would not be proper for the examiner to give words of the claim special meaning when no such special meaning has been defined by the Applicant in the claim language. Thus, the Examiner's interpretation of the claim scope is consistent with term used. It should be noted that the claim language should be amended to better clarify the difference between the content and the portion of the image as specified in paragraph [0048] of the instant specification.

d) In response to Applicant's arguments with respect to "Blumberg does not teach the portion of the image whose content is suppressed appears to the user without the content and the portion of the image shows content is not suppressed is viewable", the examiner submits that contrary to the Applicant's belief, Blumberg reads on the claimed limitation as "Each client computer preferably downloads only that portion of the image data that is necessary for satisfying a user display request, [0015]".

e) In response to Applicant's arguments with respect to "Hartman, Turner, and Blumberg fail to teach the elements of (a) receiving one or more search terms from a user having an electronically-searchable personalized library of content, the personalized library including a text searchable database and a page image database" and "(b) electronically searching the text searchable database for pages of content that match the search terms to produce search results." In Hartman, it is a central library server 44 that is searched. Nowhere does Hartman suggest a "user having an electronically-searchable personalized library of content" that includes a "text searchable database" that can be electronically searched "for pages of content that match the search terms", the examiner respectfully traverses. It is noted that pursuant to the present invention, paragraph [0007] states "What is needed is a system and method of providing a library of content that a user can personalize and search electronically, in which the location of specified search terms in the user's personalized library is reported"; similarly, the Hartman indicates that "It would be desirable to enable a user to take advantage of vast stores of content to create compilations tailored to the user's needs or desires". In that concept, Hartman reads on the claimed limitation "receiving one or more search term from a user having an electronically-searchable personalized library of content, the personalized library including a text searchable database and a page image database" as follows: Search term equates to "study", "skills" of Hartman in Fig. 21A.

Text searchable database equates to "Part Structure & Text Indices" of Hartman for searching images (i.e. Part Structures & Text Indices). This table defines the digital library parts used to store each entity. For a row that represents a product entity, Part 1 contains the SGML content for a product entity. Parts 5-11 are parts containing subsets of that content that can be searched by Text Miner. The Text Index column contains the Text Miner indices for each of these searchable subsets. For a row that represents an entity's associated component, Part 20 contains the actual associated component file. (e.g., images), col. 13, lines 45-55).
 a page image database equates to images of Hartman, col. 13, lines 45-55 (i.e. Part Structures & Text Indices). This table defines the digital library parts used to store each entity. For a row that represents a product entity, Part 1 contains the SGML content for a product entity. Parts 5-11 are parts containing subsets of that content that can be searched by Text Miner. The Text Index column contains the Text Miner indices for each of these searchable subsets. For a row that represents an entity's associated component, Part 20 contains the actual associated component file. (e.g., images), col. 13, lines 45-55).

Furthermore, Turner teaches "receiving one or more search term from a user having an electronically-searchable personalized library of content, the personalized library including a text searchable database and a page image database" as follows:
 Search term equates to "a free form/search" of Turner, col. 20, lines 27-45, or "keyword" at col. 22, lines 13-35 (i.e. The Browse mode presents information in a topical, browsable and/or searchable form, which allows the user to locate desired information in a free form/search and retrieve format, col. 20, lines 27-45; If the working mode was set to Learn or Browse (290), then the working mode options screen displays a header with useful links to information about the system 100, and a footer containing a basic set of tool icons which link to associated tool functions. The following tools are available: Exit the System 100 which quits the system 100 and returns the user to the computer's operating system; Return to User Defined or Default Startup which reverts the system 100 settings to user defined or system default values and restarts the system 100; Search for Information which allows a user to perform a search of the knowledge pool 102 using keyword, Boolean, natural language search methods or combinations thereof, col. 22, lines 13-35).
 Text searchable database, a page image database equates to "text, image" object of Turner for searching images (i.e. A knowledge object 104 may include text, image, video, audio or other form of data, or combinations thereof, col. 11, lines 6-36).

Moreover, Blumberg teaches "receiving one or more search term from a user having an electronically-searchable personalized library of content, the personalized library including a text searchable database and a page image database" as follows:
 Search term equals to "a request" of Blumberg in paragraph [0113] (i.e. a server may include various auxiliary document management features, such as indexing and searching capabilities, [0145]).
 Text searchable database equates to "document" of Blumberg, [0142] (i.e. a server can stream additional image data while a client is viewing a document, without the client specifically requesting such additional image data. That is, rather than have the image data transmission be entirely client-driven, of a "pull" nature, the image data transmission may be partially or completely server-driven, of a "push" nature. When the image data transmission is partially client-driven and also partially server-driven, client requests preferably are given priority over and pre-empt transmission of "pushed" data. When the image data transmission is completely server-driven, the client is restricted in interactively viewing the document to the extent that the necessary data has already been delivered, [0142]).
 a page image database equates to "image data" of Blumberg, [0142] (i.e. a server can stream additional image data while a client is viewing a document, without the client specifically requesting such additional image data. That is, rather than have the image data transmission be entirely client-driven, of a "pull" nature, the image data transmission may be partially or completely server-driven, of a "push" nature. When the image data transmission is partially client-driven and also partially server-driven, client requests preferably are given priority over and pre-empt transmission of "pushed" data. When the image data transmission is completely server-driven, the client is restricted in interactively viewing the document to the extent that the necessary data has already been delivered, [0142]).

Hartman also teaches "electronically searching the text searchable database for pages of content that match the search terms to produce search results" as "Part Structure & Text Indices" of Hartman for searching images (i.e. Part Structures & Text Indices). This table defines the digital library parts used to store each entity. For a row that represents a product entity, Part 1 contains the SGML content for a product entity. Parts 5-11 are parts containing subsets of that content that can be searched by Text Miner. The Text Index column contains the Text Miner indices for each of these searchable subsets. For a row that represents an entity's associated component, Part 20 contains the actual associated component file. (e.g., images), col. 13, lines 45-55).
 The search result is shown in Fig. 21B of Hartman.

Turner teaches "electronically searching the text searchable database for pages of content that match the search terms to produce search results" as Text searchable database, a page image database equals to "text, image" object of Turner for searching images (i.e. A knowledge object 104 may include text, image, video, audio or other form of data, or combinations thereof, col. 11, lines 6-36).
 Search results equals to "Knowledge objects 104 may be retrieved" of Turner, col. 20, lines 27-45 (i.e. The Browse mode presents information in a topical, browsable and/or searchable form, which allows the user to locate desired information in a free form/search and retrieve format. Knowledge objects 104 may be retrieved specifically oriented towards the Browse working mode or may be oriented to the Learn or Perform working modes. The retrieved knowledge objects 104 may have any of the capabilities detailed above, including the ability to link the user to resources external to the system 100 or to provide evaluations. For example, a knowledge object 104 may contain a link to a web site or network server for product updates or for revisions to the system 100 itself, such as updated knowledge objects 104 or updates to the other components of the system 100. In one embodiment, a knowledge object 104 may contain a link to a Speed Info.TM. service bulletin. A Speed Info.TM. service bulletin is one type of service bulletin published by one particular manufacturer of ultrasound systems to inform service personnel about new products, product updates, spare parts, product features, etc. col. 20, lines 27-45).

Blumberg teaches "electronically searching the text searchable database for pages of content that match the search terms to produce search results" as "a server can stream additional image data while a client is viewing a document, without the client specifically requesting such additional image data. That is, rather than have the image data transmission be entirely client-driven, of a "pull" nature, the image data transmission may be partially or completely server-driven, of a "push" nature. When the image data transmission is partially client-driven and also partially server-driven, client requests preferably are given priority over and pre-empt transmission of "pushed" data. When the

image data transmission is completely server-driven, the client is restricted in interactively viewing the document to the extent that the necessary data has already been delivered". [0142]).

Search results equals to "a server can stream additional image data while a client is viewing a document" of Blumberg, [0142].

II. Claim 24 and its Dependent Claims Are Not Patentable Over the Cited Art

The Applicants' arguments are not persuasive under the same rationale given above to arguments in section I. As explained, it is evident that the claim language as presented is still read on by the cited arts at the cited paragraph in the claim rejections.

III. Claim 33 and its Dependent Claims Are Not Patentable Over the Cited Art

Turner teaches "the content in the page image being provided within the scope defined by the access rules, wherein the scope defined by the access rules defines an amount of content in the page image that is viewable by the user such that when the page image is displayed, a portion of the page image appears with automatically suppressed content and a portion of the page image appears with content" as "each knowledge element 128 which suppresses display of that element based on pre-defined rules related to the current language, access level and/or working mode", or "The combination of access level, working mode and sub-topic defines a scope of subject-matter that the user is interested in. The system determines, based on the sub-topic, working mode and competency level, which information is relevant, i.e. within or encompassed by the scope interest, and the appropriate method of presentation of that information, in order to teach the lesson, accomplish the task or display the subject. In one embodiment, the user specifies the broader topic and the appropriate set of sub-topics is automatically determined. This information is then interactively presented to the user. Information outside the scope of subject matter of interest is suppressed, thereby only presenting to the user, that information that they need/want to know", col. 10, lines 38-54.

IV. Claims 16, 36 are Not in Patentable Condition

Applicant seems to be questioning whether the cited references are combinable to reasonably establish the prima facie case of obviousness under 35 USC 103.

In response to the preceding arguments, the examiner submits that in order for references to be combinable to reasonably establish the prima facie case of obviousness under 35 USC 103, they must be analogous and within the same field of endeavor.

Hartman teaches the access rules define a percentage of content (i.e. calculate a percentage for each ISBN, col. 94, lines 17-19).

Hartman, Turner, Blumberg, however, do not fairly teach the access rules define a percentage of content that can be provided to the user over a time frame.

McCollom teaches the access rules define a percentage of content that can be provided to the user over a time frame (i.e. 75% ... 10%, col. 9, lines 9-34).

Consequently, Hartman, Turner, Blumberg and McCollom, as combined, teach "the access rules define a percentage of content that can be provided to the user over a time frame". As pointed out by the examiner, only the teaching of having "the access rules define a percentage of content that can be provided to the user over a time frame" being taught by McCollom is used in combining with the system of Hartman to render obvious the claimed limitation. It would have been obvious to an artisan at the time of the invention to combine the teachings of Hartman with the teachings of McCollom to include "the access rules define a percentage of content that can be provided to the user over a time frame" in order to generate a specific report requested and present the report as a HTML document to the merchant website in view of McCollom (col. 8, line 65 to col. 9, line 8), as doing so would give the added benefit of having the customer system kept current purchasing lists available so that other second party customers receive only the latest purchasing lists from particular customer as taught by McCollom (col. 2, lines 44-47).

Applicant has made a piecemeal analysis of the references. Applicant is therefore reminded that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Accordingly, the claimed invention as represented in the claims does not represent a patentable over the art of record.

VI. Claims 19 and 39 Are Not in Patentable Condition

Under similar rational as provided in I, II, III, the same reasoning would be applicable to claims 19, 39.

Furthermore, as detailed in the previous office action, Ishibashi teaches reviewing purchase records to validate user ownership of the content (i.e. a bookshelf server 3 that temporarily deposits the title and the contents of a book purchased by a user and a personal information management server 4 that manages the personal information of the user that purchased the electronic book are provided to the service provider 1, [0058-0061]).

It would have been obvious to one of ordinary skill of the art having the teaching of Hartman, Turner, Blumberg and Ishibashi at the time the invention was made to modify the system of Hartman, Turner, Blumberg to include reviewing purchase records to validate user ownership of the content as taught by Ishibashi. One of ordinary skill in the art would be motivated to make this combination in order to provide the information to a user in view of Ishibashi, as doing so would give the added benefit of enabling a user to easily select a necessary book in much book information, to read a book of some interest owing to various stage effects and to purchase these books at a low price as taught by Ishibashi ([0061]).

Arguments as raised are moot since all claim limitations relevant to this issue have been addressed accordingly.